

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:18-MJ-01563

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER, )

Plaintiff, )

v. )

MICHAEL MAROM, )

Defendant. )


**ORDER**

On June 22, 2018, Michael Marom (“Marom” or “defendant”) filed a notice of removal concerning a criminal action pending against him in the Town Justice Court for the Town of Greenburgh, New York [D.E. 1]. On July 9, 2018, Marom moved for a temporary injunction to stay the state court proceedings [D.E. 4].

Marom cannot remove his New York criminal case to this court. A defendant may remove a criminal proceeding in state court in a very narrow set of circumstances when “he or she meets the substantive requirements of 28 U.S.C. § 1443 and the procedural requirements of 28 U.S.C. § 1455.” Commonwealth of Va. v. El, No. 3:16-cv-128, 2016 WL 4507814, at \*3 (E.D. Va. Aug. 26, 2016) (unpublished); see North Carolina v. Mitchell, 76 F. Supp. 3d 618, 620 (E.D.N.C. 2014); City of North Las Vegas v. Davis, No. 2:13-cv-00156-MMD-NJK, 2013 WL 2394930, at \*2 (D. Nev. May 30, 2013) (unpublished). Section 1455 requires the defendant to file a notice of removal “in the district court of the United States for the district and division within which such prosecution is pending.” 28 U.S.C. § 1455(a). Thus, Marom was required to file his notice of removal in the

Southern District of New York. See 28 U.S.C. § 112(b). Accordingly, the court DISMISSES the action without prejudice.

SO ORDERED. This 16 day of July 2018.

  
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JAMES C. DEVER III  
Chief United States District Judge